

LABEL IN PART: (Jar) "Harmon's Instant Liquid Malt A Natural Amplifier * * * Mfg. by Grain Prod. Corp. McCook, Nebr. 1955 A Very High Energy Food From 100% Malted Barley * * * Fortifies and amplifies the food value of everything in which it is used. Hundreds of home prepared items are tastier and healthier when made with Harmon's Liquid Malt * * * Power Packed With Energy * * * There's the Energy of a Meal in a Malt * * * Finest ingredients—Liquified Brown Sugar, Pure Malted Whole Barley, Maltose, Dextrose, and 1% Sorbic Acid."

RESULTS OF INVESTIGATION: Examination showed that the article was a malt-flavored sirup. Factory inspection disclosed that the article was composed of water, malt flour, brown sugar, malt sirup, and a chemical preservative, sodium benzoate.

LIBELED: 3-6-61, Dist. Kans.

CHARGE: 403(a)—when shipped, the label statement "From 100% Malted Barley" was false and misleading since the article contained ingredients in addition to that obtained from malted barley; the label statement "Finest Ingredients * * * 1% Sorbic Acid" was false and misleading since the article did not contain 1 percent sorbic acid; and the label statements "A Very High Energy Food," "Fortifies and amplifies the food value of everything in which it is used," and "Hundreds of home prepared items are * * * healthier when made with Harmon's Liquid Malt" were false and misleading since the statements were contrary to fact; 403(f)—the statement of ingredients required to appear on the label was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use; 403(i) (2)—the article was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient, since water, malt sirup, and sodium benzoate were present and were not declared on the label, and since "Liquified Brown Sugar," and "Malted Whole Barley," are not specific names of ingredients; and 403(k)—the article contained a chemical preservative, sodium benzoate, and its labeling failed to state that fact.

DISPOSITION: 4-15-61. Default—destruction.

27293. Mercer Geriatric Formula. (F.D.C. No. 45802. S. No. 96-837 R.)

QUANTITY: 107 100-capsule btl. at Buffalo, N.Y.

SHIPPED: 1-26-60 and 2-19-60, from Jersey City, N.J., by Julius Blackman Corp.

LABEL IN PART: (Btl.) "Geriatric Formula High Potency 14 Vitamins 11 minerals Usual Dose: * * * 1 capsule at meal time or as directed * * * Distributors Mercer Pharmacal Co. Jersey City, N.J. * * * Each Capsule contains * * * Folic Acid 0.5 mg."

LIBELED: 5-16-61, W. Dist. N.Y.

CHARGE: 402(a) (2) (C)—when shipped, the article contained a food additive, namely, folic acid, which is unsafe within the meaning of 409, since it and its use or intended use were not in conformity with a regulation or exemption in effect pursuant to section 409.

DISPOSITION: 6-14-61. Default—destruction.